

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9668 of 1998

Dated: 26-03-2007

Between:

Gandrati Shankar, s/o Anjaiah.

... Petitioner

and

1. The Government of Andhra Pradesh,
rep. by its Secretary, Revenue Department,
Secretariat, Hyderabad and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that he is a landless poor person and he occupied the Government land in an extent of Ac.5-06 gts. in Sy.No.384 of Faruqnagar village and Mandal, Mahabubnagar District and he has been in possession and enjoyment of the said land for the last ten years. As the said land is unfit for agriculture he spent nearly Rs.60,000/- for digging a bore well and also for the purpose of making

the land irrigated and to make it for wet cultivation. He submitted representations to the District Collector and other higher authorities to assign the said land in his favour. Be that as it may, in the year 1994, third respondent at the behest of the then local M.L.A., issued a show cause notice, dated 27-01-1994 in file No.B/292/94 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 and on receipt of the same, he submitted his explanation on

11-02-1994 with a request to assign the land and issue patta in favour of him. He also submitted a representation on 16-03-1995 to second respondent to regularize his occupation and the same is pending for consideration. As third respondent is taking steps to evict petitioner from the land in question, he filed the present writ petition seeking a *mandamus* to declare the action of respondents in taking steps to dispossess petitioner from the land in question without issuing any notice and without following due procedure under law, as arbitrary and illegal and consequently direct respondents not to dispossess him from the land in question and consider his case for assignment of the land or to regularize the same on payment of 75% of the market value.

3. A detailed counter is filed wherein it is stated that the land in question is a tank bed and the same cannot be assigned. However, as it is stated that the representation, dated 16-03-1995 given by petitioner, which was received by the authorities on 21-03-1995, is very much available before second respondent – District Collector, Mahabubnagar,

I deem it appropriate to direct second respondent to pass appropriate orders on the said representation.

4. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-03-2007
GLV